

ARGUMENTS/COMMENTS

Claims 1 through 8 are pending in the present application.

In the Office Action, claims 1 through 8 were rejected under 35 U.S.C.102(b) as being anticipated by U.S Patent No.3,625,029 to Safrit et al. (hereinafter "the Safrit et al. patent").

Claim 1 is directed to a boxer short-type article of lingerie. The article has a trunk made of a loose-fitting textile, and leg parts made of a form-fitting textile.

The Office Action states that Safrit et al (3625029) teaches the boxer short type article as claimed including a trunk part (11) being made from a loose fitting material and leg parts (14) made of a form-fitting textile. The Office Action further states that self evidently the trunk of Safrit (11) is loose fitting relative to the leg parts. (Page 3) Applicant respectfully disagrees with these statements.

In contrast, the Safrit patent shows a lady's girdle or panty 9 having a waistband 10, a body portion 11 and two leg portions 12 with a turned edge or welt 13. The body portion 11 refers to the main part of the garment that surrounds the torso of the wearer.

The Safrit patent states that "the garment is knit throughout with one of the many known stretch yarns." (column 2, lines 42 through 46). Further the Safrit et al. panty states that "the term "stretch yarn" shall indicate any of the well known synthetic, thermoplastic, heat-settable yarns which have capacity to elongate and contract, but have virtually no power in contraction.".

Accordingly, the Safrit et al. patent does not disclose a boxer short-type article of lingerie or a trunk made from a *loose-fitting textile*, as claimed. In fact, the Safrit et al. patent teaches to the contrary by disclosing a trunk portion knit with yarns that elongate and contract. The garments of Figs. 1, 11 and 12 are not, and cannot be said to be loose fitting garments in the trunk region.

Further, the Safrit et al. patent states that elastic yarn 17 may be omitted altogether from the stocking portions 21, and plain knit stockings may be worn and supported by the girdle or panty portion. (Column 4, lines 69 through 72). Clearly, the Safrit et al. patent does not disclose a boxer type short including a trunk part being made of a loose fitting textile, as claimed. In contrast, the trunk portion of the garment of Safrit et al. must be elasticized to hold the stockings on the wearer during everyday activities if the stocking portions 21 are plain knit to be supported by the girdle.

Reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection are respectfully requested.

Dependent claims 2 through 5 that depend from independent claim 1 are also allowable for the reasons set forth above with respect to claim 1.

Dependent claim 6 depends from independent claim 1 and provides that a limit between the trunk part and the leg part is a substantially horizontal line passing through an upper part of the crotch.

The Safrit et al. patent shows, at Fig. 1, a limit between the body part 11 and the bands of elastic fabric

14. However, that Safrit et al. limit is at the upper part of the leg and not that the upper part of the crotch as claimed. Thus, claim 6 is clearly not anticipated by the Safrit et al. patent.

Independent claim 7 is directed to a method of manufacturing a boxer short-type article of lingerie having a trunk part being made of a loose-fitting textile and leg parts being made of a form-fitting textile. The method comprises circular knitting a bottom welt and a waistband, and knitting the leg part with a yarn having an elasticity higher than the elasticity of the yarn used for knitting the trunk part.

The Safrit et al. patent does not suggest or disclose a method of manufacturing a boxer short as claimed that provides for knitting the leg part with a yarn having an elasticity higher than the elasticity of the yarn used for knitting the trunk part to thus provide a trunk part made from a *loose-fitting textile*, as discussed above.

In contrast, the Safrit et al. patent discloses a garment made from "any of the well known synthetic, thermoplastic, heat-settable yarns which have capacity to elongate and contract, but have virtually no power in contraction.". (Column 2)

Accordingly, the Safrit et al. patent does not disclose a boxer short-type article of lingerie or a trunk made from a *loose-fitting textile*, as claimed.

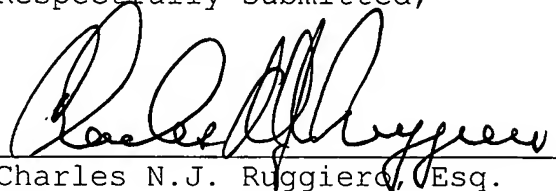
Reconsideration and withdrawal of the 35 U.S.C. 102(b)

rejection are respectfully requested.

Claim 8 depends from independent claim 7 and is also allowable for the reasons set forth above with respect to claim 7.

Accordingly, applicants respectfully request favorable consideration of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

August 15, 2007

Date

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